

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	ACTION NO. 4:20-CR-269-Y
	§	
ERIC PRESCOTT KAY (1)	§	

ORDER ASSIGNING HOURS FOR TRIAL

At the trial of this case, the government will be allowed twenty (20) hours to put on its case, including opening statement and cross-examination, but not including final argument.¹ Defendant will be allowed fifteen (15) hours to put on his case, including opening statement and cross-examination, but not including final argument. The Court must finish this case in the time allotted and believes the foregoing method preferable to the Court's micro-management of the number of witnesses and the content of their testimony.

Nevertheless, the Court's allocation of trial time for Defendant is, of course, subject to the requirements of due process; and the Court intends that both parties have a fundamentally fair trial. Any party who wishes to complain that the Court's limitation of his trial time violates his right to due process or fundamental fairness must be prepared, upon request, to demonstrate to the Court, by reasonably specific proffer, the testimony and/or exhibits that he has been prevented from

¹The parties are advised that one full day of trial generally yields between four and five hours that are actually charged against the parties' trial-time allocations.

presenting by reason of said limitation. Upon a finding by the Court that the party has used his allotted time wisely and nevertheless has been or will be denied due process or fundamental fairness by reason of the enforcement of the trial-time limitations, additional time will be granted to meet those requirements.

Despite the allocation of hours for trial, the Court will discourage repetitive examination of a witness, whether on cross or direct, and will strongly admonish or sanction any counsel who wastes the time of his colleagues, the Court, and the jury by failing to have witnesses present and prepared to testify; by hunting for or causing a witness to hunt for exhibits; by failing to have audio or video equipment tested, cued-up, and ready-to-go; by failing to be timely in attendance; by attempting to argue the case or make a speech to the jury during an objection; or in any other manner.

SIGNED September 7, 2021.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE